



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JAP:NR
F. #2011R00735

*271 Cadman Plaza East
Brooklyn, New York 11201*

October 13, 2016

By Hand and ECF

The Honorable Robert M. Levy
U.S. District Court Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: In the Matter of the Extradition of Monika Kapoor
11-MJ-456 (RML)

Dear Judge Levy:

The government respectfully submits this letter to provide an update regarding the questions addressed at the telephonic status conference held before the Court on Wednesday, September 21, 2016.

Subsequent to that conference, the Court issued a ruling which denied, as premature, the government's motion to modify Monika Kapoor's bond conditions and have her remanded to custody so that she may be extradited. Specifically, the Court indicated that it wanted to provide Kapoor the opportunity to avail herself of her legal process, including the possible renewal of a habeas corpus petition that Kapoor's counsel, Amy Gell, indicated was forthcoming. Ms. Gell represented that such a petition would be filed expeditiously during the week following the September 21, 2016 conference or shortly thereafter.

To date, now three weeks removed from the September 21, 2016 conference, the government has received no notice that Kapoor has filed the contemplated "renewed" habeas petition. As the government indicated during the September 21, 2016 conference, it is improper for Kapoor's extradition to be delayed on the basis that Kapoor might, at some future time, attempt to file an additional petition. Delaying the change in Kapoor's custodial status – which, as described at the conference, is a necessary precursor to her extradition as ordered by the Secretary of State – based solely on the possibility that Kapoor might file a motion effectively incentivizes Kapoor to delay in hopes of maintaining the status quo – her presence in the United States.

Accordingly, the government hereby renews its request to bring Kapoor into custody for the reasons previously set forth in support of its motion or, alternatively, to have the Court set this matter for a status conference on an expedited basis.

Respectfully submitted,

ROBERT L. CAPERS
United States Attorney

By: _____ /s/
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cc: Amy Gell, Esq.